



**ASSEMBLY AMENDMENT 8,
TO 1995 SENATE BILL 501**

March 21, 1996 - Offered by Representative ALBERS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 1: after the semicolon and before the material inserted by
3 engrossed senate amendment 1, insert: "the testimony of witnesses and the
4 authentication of evidence in proceedings under the children's code and the juvenile
5 justice code;"

6 **2.** Page 48, line 10: delete lines 10 to 14.

7 **3.** Page 49, line 1: delete lines 1 to 10 and substitute:

8 **"SECTION 47m.** 48.299 (4) (b) of the statutes, as affected by 1995 Wisconsin Act
9 77, is amended to read:

10 48.299 (4) (b) Except as provided in ~~s. ss. 901.05 and 906.03 and ch. 909~~, neither
11 common law nor statutory rules of evidence are binding at a hearing for a child held
12 in custody under s. 48.21, a runaway home hearing under s. 48.227 (4), a
13 dispositional hearing, or a hearing about changes in placement, revision of
14 dispositional orders or extension of dispositional orders or termination of
15 guardianship orders under s. 48.977. At those hearings, the court shall admit all
16 testimony having reasonable probative value that is admissible under s. 906.03, but

1 shall exclude immaterial, irrelevant or unduly repetitious testimony ~~or~~ and evidence
2 that is inadmissible under s. 901.05 or ch. 909. Hearsay evidence may be admitted
3 if it has demonstrable circumstantial guarantees of trustworthiness. The court shall
4 give effect to the rules of privilege recognized by law. The court shall apply the basic
5 principles of relevancy, materiality and probative value to proof of all questions of
6 fact. Objections to evidentiary offers and offers of proof of evidence not admitted may
7 be made and shall be noted in the record.”.

8 **4.** Page 108, line 2: before that line, after page 6, line 8 of the material inserted
9 by senate amendment 2, insert:

10 “**SECTION 147Lm.** 938.299 (4) (b) of the statutes, as created by 1995 Wisconsin
11 Act 77, is amended to read:

12 938.299 (4) (b) Except as provided in s. ss. 901.05 and 906.03 and ch. 909,
13 neither common law nor statutory rules of evidence are binding at a waiver hearing
14 under s. 938.18, a hearing for a juvenile held in custody under s. 938.21, a hearing
15 under s. 938.296 (4) for a juvenile who is alleged to have violated s. 940.225, 948.02,
16 948.025, 948.05 or 948.06, a dispositional hearing, or a hearing about changes in
17 placement, revision of dispositional orders or extension of dispositional orders. At
18 those hearings, the court shall admit all testimony having reasonable probative
19 value that is admissible under s. 906.03, but shall exclude immaterial, irrelevant or
20 unduly repetitious testimony ~~or~~ and evidence that is inadmissible under s. 901.05 or
21 ch. 909. Hearsay evidence may be admitted if it has demonstrable circumstantial
22 guarantees of trustworthiness. The court shall give effect to the rules of privilege
23 recognized by law. The court shall apply the basic principles of relevancy, materiality
24 and probative value to proof of all questions of fact. Objections to evidentiary offers

1 and offers of proof of evidence not admitted may be made and shall be noted in the
2 record.”.

3 (END)